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			2685	

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/806,341

Applicant(s)

BIENEK ET AL.

Examiner

Duy K Le

Art Unit

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 16-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to because they need to have descriptive labels for the boxes. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 22 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Oto (U.S. Patent 5,604,746).

As to claim 22, Figure 3 in Oto shows a receiver for receiving signals transmitted in subfrequency bands of a receive frequency band (see also D1 to D4 in Figure 4(b)), comprising:

a first oscillator (16) to insert a carrier frequency into a receive path of the receive frequency band ("the received broadcasting signal output from the amplifier 13 is converted into an intermediate frequency signal in the 140 MHz band at a mixer 15 for mixing the received signal with a local oscillation signal from a variable local oscillation VCO (voltage controlled oscillator) 16, after being suppressed its image frequency region at a preselector 14" (Col. 1, lines 25-31));

a prefilter (18) to filter a first frequency band containing the signals out of the receive frequency band with the carrier frequency ("the output from the mixer 15 is amplified at a variable gain amplifier 17 and then limited in a desirable bandwidth at a BPF (band pass filter 18)" (Col. 1, lines 31-33));

a second oscillator (22) to insert an intermediate frequency into a first signal path of the first frequency band ("the phase detector 20 orthogonally detects an I-axis base-band signals by a phase detection on the input intermediate frequency signal based on an oscillation signal supplied from the VCO 22 through a separator 28" (Col. 1, lines 39-42));

a demodulator (20, 21) to demodulate the first frequency band with the intermediate frequency to generate a frequency baseband containing the signals; and a post filter (25) to filter a second signal frequency band containing the signals out of the frequency baseband ("the I axis and Q axis base-band signals output from the phase detectors 20, 21 are each shaped their waveforms at LPFs (low pass filter) 25, 26, and then digitized at A/D (analog to digital) converters 27, 28" (Col. 1, lines 49-52)).

As to claim 27, Figure 3 in Oto shows the receiver of claim 22, further comprising: an analog/digital converter (27, 28).

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 16, 19-20, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,604,746 to Oto in view of Gourgue (U.S. Patent 5,619,536).

As to claim 16, the Otto reference discloses a method for receiving signals transmitted in subfrequency bands of a receive frequency band (see D1 to D4 in Figure 4(b)), the method comprising:

performing pre filtering to obtain a first signal frequency band containing the signals by adding a carrier frequency to the receive frequency band and by filtering the receive frequency band ("the received broadcasting signal output from the amplifier 13 is converted into an intermediate frequency signal in the 140 MHz band at a mixer 15 for mixing the received signal with a local oscillation signal from a variable local oscillation VCO (voltage controlled oscillator) 16, after being suppressed its image frequency region at a preselector 14. The output from the mixer 15 is amplified at a variable gain amplifier 17 and then limited in a desirable bandwidth at a BPF (band pass filter 18)" (Col. 1, lines 25-33). See Figure 3);

generating a frequency baseband containing the signals by adding an intermediate frequency to the first signal frequency band and by demodulating the first signal frequency band ("the intermediate frequency signal is branched off on two paths at a separator 19" (Col. 1, lines 33-35). "The phase detector 20 orthogonally detects an I-axis base-band signals by a phase detection on the input intermediate frequency signal based on an oscillation signal supplied from the VCO 22 through a separator 28. Also, the other phase detector 21 orthogonally detects a Q-axis base-band by the phase detection on the other intermediate frequency signal based on a 90° phase shift signal of the oscillation signal from the separator 28 through a 90° phase shifter 24" (Col. 1, lines 39-48). See Figure 3); and

performing post filtering to obtain a second signal frequency band containing the signals from the frequency baseband by matching one or more of the carrier frequency and the intermediate frequency to at least one filter parameter; digitizing information in the second frequency band ("the I axis and Q axis base-band signals output from the phase detectors 20, 21 are each shaped their waveforms at LPFs (low pass filter) 25, 26, and then digitized at A/D (analog to digital) converters 27, 28" (Col. 1, lines 49-52)).

However, the Oto reference does not expressly disclose fine-filtering the digitized information to obtain the signals in digital form. The Gourgue reference teaches fine-filtering the digitized information to obtain the signals in digital form ("an analog/digital converter module 15 generating a digital signal on one bit followed by two channels 12, 13 in phase quadrature each comprising a decimation filter 9, 10 delivering digital information on n bits and connected to a baseband processing module 14" (Col. 2, lines 44-48). See also Figure 2).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method of Oto to comprise fine-filtering the digitized information to obtain the signals in digital form, as taught by Gourgue, in order to eliminate out-band noise in the digital signals.

As to claim 19, Oto-Gourgue discloses the method of claim 16, further comprising:  
setting the carrier frequency to split off a neighboring frequency band of the second subfrequency band during prefiltering (Oto; "to select a desirable carrier from these data carriers D1 to D3, the oscillation frequency of the local oscillation variable VCO 16 must be offset so as to make the central frequency of the intermediate frequency signal output from the mixer 15 agree with the central frequency  $f_{d1}$ ,  $f_{d2}$  or  $f_{d3}$  of the desired carrier" (Col. 2, lines 27-32)).

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As to claim 20, Oto-Gourgue discloses the method of claim 16, further comprising:  
digitizing the first signal frequency band wherein the frequency baseband is generated via digital demodulation (Oto; “the I axis and Q axis base-band signals output from the phase detectors 20, 21 are each shaped their waveforms at LPFs (low pass filter) 25, 26, and then digitized at A/D (analog to digital) converters 27, 28. The digitized signals are supplied to a digital processor 29 which demodulates them into their corresponding data sequences” (Col. 1, lines 49-54)).

As to claim 26, the Oto reference discloses the receiver of claim 22. However, it does not disclose the demodulator and at least a part of the post filter are arranged in a common integrated circuit. The Gourgue reference teaches the demodulator and at least a part of the post filter are arranged in a common integrated circuit (“according to the invention the receiver comprising antenna for picking up signals, means for converting an incoming signal to a predetermined intermediate frequency and baseband processing means is characterized in that it further comprises analog/digital converter means and decimation filter means” (Col. 1, lines 47-54). “The proposed conversion process is easily implemented in an integrated circuit” (Col. 1, lines 61-62). See Figure 2).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the receiver of Oto wherein the demodulator and at least a part of the post filter are arranged in a common integrated circuit, as taught by Gourgue, in order to keep the digital receiver small.

3. Claims 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,604,746 to Oto in view of Gourgue (U.S. Patent 5,619,536) and further in view of Alinikula et al. (U.S. Patent 6,115,593).

As to claim 17, Oto-Gourgue discloses the method of claim 16. However, Oto-Gourgue does not disclose post-filtering the frequency baseband using one or more of a low pass filter, a high pass filter, and a high pass/low pass filter combination, the post filtering having a cut-off frequency that is matched to one or more of the carrier frequency and the intermediate frequency. The Alinikula reference teaches post-filtering the frequency baseband using one or more of a low pass filter, a high pass filter, and a high pass/low pass filter combination, the post filtering having a cut-off frequency that is matched to one or more of the carrier frequency and the intermediate frequency ("the signal IF\_I produced by the first mixer 7 is directed to the first low-pass filter 9" (Col. 4, lines 3-4). "The mixing result IF\_Q is directed to the second low-pass filter 11 and the high-pass filter 12" (Col. 4, lines 13-15). "The high-pass filter 12 removes the received, baseband signal from the signal produced by the second mixer 10" (Col. 4, lines 35-36). See also Figures 1-3, 4a-4b).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method of Oto-Gourgue to comprise post-filtering the frequency baseband using one or more of a low pass filter, a high pass filter, and a high pass/low pass filter combination, the post filtering having a cut-off frequency that is matched to one or more of the carrier frequency and the intermediate frequency, as taught by Alinikula, in order to compensate D.C. offset in a receiver.



As to claim 18, Oto-Gourgue discloses the method of claim 16. However, it does not disclose amplifying the second signal frequency band after post filtering has been at least partially performed. The Alinikula reference teaches amplifying the second signal frequency band after post filtering has been at least partially performed ("the baseband I and Q signals, which at this stage also include the D.C. offset caused by the signals in the adjacent channels, are amplified in the low-frequency amplifiers 13, 14 and directed to the adders 15, 16" (Col. 4, lines 29-32). See also Figure 2a).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method of Oto-Gourgue to comprise amplifying the second signal frequency band after post filtering has been at least partially performed, as taught by Alinikula, in order to compensate D.C. offset in a receiver.

4. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,604,746 to Oto in view of Gourgue (U.S. Patent 5,619,536) in view of Alinikula et al. (U.S. Patent 6,115,593) and further in view of Sawahashi et al. (U.S. Patent 5,748,623).

As to claim 21, Oto-Gourgue discloses the method of claim 16, further comprising digitizing the filtered subfrequency band (Gourgue; "an analog/digital converter module 15 generating a digital signal on one bit followed by two channels 12, 13 in phase quadrature each comprising a decimation filter 9, 10 delivering digital information on n bits and connected to a baseband processing module 14" (Col. 2, lines 44-48). See also Figure 2). However, it does not disclose performing one of a high pass filtering and a combination of high-pass and low-pass filtering to filter out at least one subfrequency band in a range of the frequency baseband; and converting the digitized subfrequency band into a frequency range which contains a zero

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frequency value. The Alinikula reference teaches performing one of a high pass filtering and a combination of high-pass and low-pass filtering to filter out at least one subfrequency band in a range of the frequency baseband ("the signal IF\_I produced by the first mixer 7 is directed to the first low-pass filter 9" (Col. 4, lines 3-4). "The mixing result IF\_Q is directed to the second low-pass filter 11 and the high-pass filter 12" (Col. 4, lines 13-15). "The high-pass filter 12 removes the received, baseband signal from the signal produced by the second mixer 10" (Col. 4, lines 35-36). See also Figures 1-3, 4a-4b).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method of Oto-Gourgue to comprise performing one of a high pass filtering and a combination of high-pass and low-pass filtering to filter out at least one subfrequency band in a range of the frequency baseband, as taught by Alinikula, in order to compensate D.C. offset in a receiver.

However, Oto-Gourgue-Alinikula does not disclose converting the digitized subfrequency band into a frequency range which contains a zero frequency value. The Sawahashi reference teaches converting the digitized subfrequency band into a frequency range which contains a zero frequency value (see Figures 9(a) to 9(c). See also (Col. 10, lines 19-40)).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method of Oto-Gourgue-Alinikula to comprise converting the digitized subfrequency band into a frequency range which contains a zero frequency value, as taught by Sawahashi, in order to extract a desired signal.

5. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,604,746 to Oto in view of Alinikula et al. (U.S. Patent 6,115,593).

As to claim 23, the Oto reference discloses the receiver of claim 22. However, it does not disclose the post-filter includes one of a low pass filter, a high pass filter and a high pass/low pass filter combination, the post filter having a cut-off frequency matched to at least one of the carrier frequency and the intermediate frequency to separate the second subfrequency band from neighboring frequency bands in the frequency baseband. The Alinikula reference teaches the post-filter includes one of a low pass filter, a high pass filter and a high pass/low pass filter combination, the post filter having a cut-off frequency matched to at least one of the carrier frequency and the intermediate frequency to separate the second subfrequency band from neighboring frequency bands in the frequency baseband (“the signal IF\_I produced by the first mixer 7 is directed to the first low-pass filter 9” (Col. 4, lines 3-4). “The mixing result IF\_Q is directed to the second low-pass filter 11 and the high-pass filter 12” (Col. 4, lines 13-15). “The high-pass filter 12 removes the received, baseband signal from the signal produced by the second mixer 10” (Col. 4, lines 35-36). See also Figures 1-3, 4a-4b).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method of Oto-Gourgue to comprise the post-filter includes one of a low pass filter, a high pass filter and a high pass/low pass filter combination, the post filter having a cut-off frequency matched to at least one of the carrier frequency and the intermediate frequency to separate the second subfrequency band from neighboring frequency bands in the frequency baseband, as taught by Alinikula, in order to compensate D.C. offset in a receiver.

6. Claims 24 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,604,746 to Oto in view of Alinikula et al. (U.S. Patent 6,115,593) and further in view of Gourgue (U.S. Patent 5,619,536).

As to claim 28, the Oto reference discloses the receiver of claim 22, wherein the post filter includes: a common frequency and post filter control to match one of the carrier frequency and the intermediate frequency to at least one filter parameter to provide the second frequency band; an analog/digital converter to digitize information in the second frequency band ("the I axis and Q axis base-band signals output from the phase detectors 20, 21 are each shaped their waveforms at LPFs (low pass filter) 25, 26, and then digitized at A/D (analog to digital) converters 27, 28" (Col. 1, lines 49-52)).

However, it does not disclose a second signal band amplifier to amplify the second frequency band and a digital filter to filter the signals out of the digitized information. The Alinikula reference teaches a second signal band amplifier to amplify the second frequency band ("the baseband I and Q signals, which at this stage also include the D.C. offset caused by the signals in the adjacent channels, are amplified in the low-frequency amplifiers 13, 14 and directed to the adders 15, 16" (Col. 4, lines 29-32). See also Figure 2a).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method of Oto-Alinikula to comprise a second signal band amplifier to amplify the second frequency band, as taught by Alinikula, in order to compensate D.C. offset in a receiver.

However, Oto-Alinikula does not disclose a digital filter to filter the signals out of the digitized information. The Gourgue reference teaches a digital filter to filter the signals out of the

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digitized information ("an analog/digital converter module 15 generating a digital signal on one bit followed by two channels 12, 13 in phase quadrature each comprising a decimation filter 9, 10 delivering digital information on n bits and connected to a baseband processing module 14" (Col. 2, lines 44-48). See also Figure 2).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the receiver of Oto-Alinikula to comprise a digital filter to filter the signals out of the digitized information, as taught by Gourgue, in order to eliminate out-band noise in the digital signals.

As to claim 24, Oto-Alinikula-Gourgue discloses the receiver of claim 28. The Gourgue reference further teaches the second signal band amplifier and at least a part of the post filter are arranged in a common integrated circuit ("according to the invention the receiver comprising antenna for picking up signals, means for converting an incoming signal to a predetermined intermediate frequency and baseband processing means is characterized in that it further comprises analog/digital converter means and decimation filter means" (Col. 1, lines 47-54). "The proposed conversion process is easily implemented in an integrated circuit" (Col. 1, lines 61-62). See Figure 2).

7. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,604,746 to Oto in view of Alinikula et al. (U.S. Patent 6,115,593) in view of Gourgue (U.S. Patent 5,619,536) and further in view of Nagode et al. (U.S. Patent 6,043,721).

As to claim 25, Oto-Alinikula-Gourgue discloses the receiver of claim 28. However, it does not disclose a bypass connected in parallel with the second signal band amplifier for unamplified forwarding of the second frequency band. The Nagode reference teaches a bypass

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connected in parallel with the second signal band amplifier for unamplified forwarding of the second frequency band ("a second bypass (250) is provided in the third amplifier stage, the second bypass to provide for signals in a second frequency band a signal path that bypasses the third amplifier" (Abstract, lines 8-11). See also Figure 2).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the receiver of Oto-Alinikula-Gourgue to comprise a bypass connected in parallel with the second signal band amplifier for unamplified forwarding of the second frequency band, as taught by Nagode, in order to support dual-band amplifier.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Barrett, Jr. et al. (U.S. Patent 6,275,540) discloses selective call receiver having an apparatus for modifying an analog signal to a digital signal and method therefor.
- b. Katayama et al. (U.S. Patent 5,894,499) discloses direct conversion receiver having filter with cut-off frequency switching means.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duy K Le whose telephone number is 703-305-5660. The examiner can normally be reached on 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F Urban can be reached on 703-305-4385. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Duy Le  
February 5, 2004

  
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